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BEFORE THE ARIZONA CORPORATION COMMISSION

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Arizona Corporation Commission

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SEP 19 2008

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DOCKET NO. W-03994A-07-0657

MIKE GLEASON - Chairman
WILLIAM A. MUNDELL
JEFF HATCH-MILLER
KRISTIN K. MAYES
GARY PIERCE

2008 SEP 19 AM 11:18

AZ CORP COMMISSION
DOCKET CONTROL

IN THE MATTER OF THE APPLICATION OF
WICKENBURG RANCH WATER, LLC
(FORMERLY CDC WICKENBURG WATER,
LLC) FOR APPROVAL OF A RATE
ADJUSTMENT.

PROCEDURAL ORDER**BY THE COMMISSION:**

On November 20, 2007, Wickenburg Ranch Water, LLC ("Wickenburg Ranch") filed with the Arizona Corporation Commission ("Commission") an Application to Adjust Rates.

On December 14, 2007, the Commission's Utilities Division Staff ("Staff") filed a Letter of Insufficiency stating that the application did not meet the sufficiency requirements outlined in Arizona Administrative Code ("A.A.C.") R14-2-103.

On January 3, 2008, Wickenburg Ranch filed an Affidavit of Publication of Customer Notice showing that notice of its application had been published in *The Wickenburg Sun* on December 12, 19, and 26, 2007.

On January 18, 2008, Wickenburg Ranch filed a Response to Letter of Insufficiency.

On February 21, 2008, Staff issued a Letter of Sufficiency, stating that Wickenburg Ranch had also supplemented its application on January 31, 2008; that its application had met the sufficiency requirements outlined in A.A.C. R14-2-103; and that it had been classified as a Class C utility.

On February 28, 2008, a Procedural Order was issued scheduling a telephonic procedural conference for March 17, 2008.

On March 4, 2008, Wickenburg Ranch filed a Response to Second Set of Data Requests.

On March 17, 2008, a telephonic procedural conference was held before a duly authorized Administrative Law Judge ("ALJ") of the Commission. Wickenburg Ranch and Staff appeared

1 through counsel. During the procedural conference, it was determined that Staff would file its Staff
2 Report by July 7, 2008, and that Wickenburg Ranch would file any response to the Staff Report by
3 July 28, 2008. There was also a discussion regarding whether a hearing would be needed.

4 On July 8, 2008, Staff filed a Motion to Extend Time to File Staff Report, requesting an
5 additional two weeks for Staff to prepare the Staff Report, as Staff had just received new information
6 from the Arizona Department of Water Resources ("ADWR") stating that there is insufficient water
7 in the area for the purposes outlined in the application. Staff avowed that Wickenburg Ranch did not
8 object to the requested extension of time.

9 On July 10, 2008, a Procedural Order was issued extending Staff's deadline to file the Staff
10 Report and/or direct testimony and exhibits; scheduling a hearing in this matter for October 8, 2008,
11 and establishing associated requirements and deadlines; scheduling a pre-hearing conference for
12 October 1, 2008; requiring prefiled testimony and exhibits; and extending by 60 days the time period
13 for the Commission's final order in this matter.

14 On July 16, 2008, Wickenburg Ranch filed a Response to Staff's Motion to Extend Time to
15 File Staff Report, stating that Staff's assertion that there is insufficient water in the area for the
16 purposes outlined in the application is erroneous. Wickenburg Ranch also took issue with Staff's
17 making such an assertion in a Motion to Extend Time, particularly when Staff had not mentioned it to
18 Wickenburg Ranch when Staff called to obtain Wickenburg Ranch's acquiescence in the extension.

19 On August 6, 2008, Wickenburg Ranch filed the Direct Testimony of William Brownlee,
20 Sonn Rowell, John Matta, Peter Chan, and Steve Corell. Wickenburg Ranch also filed its Exhibits 1
21 through 6.

22 On August 15, 2008, Wickenburg Ranch filed Certification of Publication and Mailing of
23 Notice of Application showing that notice had been published in *The Wickenburg Sun* on July 30,
24 2008; that Wickenburg Ranch currently has no licensees or water customers; and that notice was
25 provided to the owners of the Wickenburg Ranch Estates development on July 23, 2008.

26 On September 3, 2008, Staff filed its Staff Report, which erroneously states on its cover letter
27 that comments thereto were required to be filed by September 15, 2008. The actual deadline for
28

1 Wickenburg Ranch to file rebuttal to the Staff Report, as established by the Procedural Order of July
2 10, 2008, is September 24, 2008.

3 On September 15, 2008, Wickenburg Ranch filed a Motion for Extension of Time to File
4 Comments to Staff Report and Motion to Reschedule Prehearing Conference. Therein, Wickenburg
5 Ranch requested an extension until September 29, 2008, to file its comments to the Staff Report.
6 Wickenburg Ranch stated that it had contacted Staff and that "Staff does not object to this extension
7 at this time, but reserves the right to file a response to the motion." Wickenburg Ranch also
8 requested that the pre-hearing conference be rescheduled to either October 3 or 6, 2008, as counsel
9 for Wickenburg Ranch is scheduled to participate in a line siting hearing in Casa Grande from
10 September 29-October 2, 2008. Wickenburg Ranch's Motion did not speak to Staff's position on the
11 rescheduling of the pre-hearing conference or availability on the suggested dates. It has since come
12 to the attention of the Hearing Division that Staff does not intend to file a response to the motion and
13 does not object to rescheduling the pre-hearing conference or the proposed pre-hearing conference
14 dates.

15 Thus, it is appropriate at this time to act on Wickenburg Ranch's dual Motions.

16 IT IS THEREFORE ORDERED that **Wickenburg Ranch's deadline to respond to the Staff**
17 **Report is hereby extended until September 29, 2008.**

18 IT IS FURTHER ORDERED that the **pre-hearing conference scheduled for October 1,**
19 **2008, is hereby vacated.**

20 IT IS FURTHER ORDERED that a **pre-hearing conference shall be held on October 6,**
21 **2008, at 1:30 p.m.,** or as soon thereafter as is practicable, in Hearing Room #1 at the Commission's
22 offices in Phoenix, for the purpose of receiving any objections to prefiled testimony and/or exhibits,
23 scheduling witnesses, discussing the conduct of the hearing, and any other matters contemplated
24 under A.A.C. R14-3-108.

25 IT IS FURTHER ORDERED that all parties must comply with Rules 31 and 38 of the Rules
26 of the Arizona Supreme Court and A.R.S. § 40-243 with respect to the practice of law and admission
27 *pro hac vice*.

28 IT IS FURTHER ORDERED that the Ex Parte Rule (A.A.C. R14-3-113 - Unauthorized


Communications) applies to this proceeding and shall remain in effect until the Commission's Decision in this matter is final and non-appealable.

IT IS FURTHER ORDERED that the time periods specified herein shall not be extended pursuant to Rule 6(a) or (e) of the Rules of Civil Procedure.

IT IS FURTHER ORDERED that withdrawal of representation must be made in compliance with A.A.C. R14-3-104(E) and Rule 1.16 of the Rules of Professional Conduct (under Rule 42 of the Rules of the Arizona Supreme Court). Representation before the Commission includes appearing at all hearings, procedural conferences, and Open Meetings at which the matter is scheduled for discussion, unless counsel has previously been granted permission to withdraw by the Administrative Law Judge or the Commission.

IT IS FURTHER ORDERED that the Presiding Officer may rescind, alter, amend, or waive any portion of this Procedural Order either by subsequent Procedural Order or by ruling at hearing.

DATED this 19th day of September, 2008.


SARAH N. HARPRING
ADMINISTRATIVE LAW JUDGE

Copies of the foregoing mailed/delivered this 19th day of September, 2008, to:

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By: 
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